

## **REMARKS**

Applicant is in receipt of the Office Action mailed December 23, 2008. Claims 1-30 have been cancelled. Claims 31-48 were rejected. Claims 31-33, 35, 37-39, 41, 43-45 and 47 have been amended. Reconsideration of the case is earnestly requested in light of the following remarks.

### **Section 103 Rejection**

Claims 31, 37 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suginoshita et al, U.S. Patent Application Pub. No. 2001/0018692 (hereinafter “Suginoshita”) in view of Singh et al., U.S. Patent Application Pub. No. 2005/0114431 (hereinafter “Singh”). Applicant respectfully traverses this rejection.

Amended claim 31 recites in pertinent part:

in response to the write request, select to either: 1) write the particular data specified by the write request to the replica of the data object in order to update the data object, or to 2) mark the replica of the data object as stale;

wherein the selection of either writing the particular data to the replica of the data object or marking the replica of the data object as stale is made depending upon the history information.

Applicant respectfully submits that the cited references, taken either singly or in combination, do not teach the recited feature of, “in response to the write request, select to either: 1) write the particular data specified by the write request to the replica of the data object in order to update the data object, or to 2) mark the replica of the data object as stale”. With respect to the recited write request, the Examiner cites Suginoshita’s teaching at paragraphs [0015] and [0016]. Here, and throughout the disclosure, Suginoshita teaches that a replica of the database is updated in response to a data update request. However, Suginoshita does not teach selecting to either 1) write the particular data specified by the update request to the replica of the database, or to 2) mark the replica of the database as stale. Instead, the replica of the database is always updated in response to the update request. Suginoshita, taken either singly or in combination with Singh, does not teach performing the selection recited in amended claim 1.

Applicant also respectfully submits that the cited references do not teach, “wherein the selection of either writing the particular data to the replica of the data object or marking the replica of the data object as stale is made depending upon the history information.” With respect

to the recited history information the Examiner cites Suginoshita's teaching at paragraph [0030] of the replica reference history acquiring unit. Suginoshita teaches here that the replica reference history acquiring unit uses the database reference history information to set the preferential order information. As Suginoshita teaches throughout the disclosure, the update data can include different data types, and the preferential order information is used to specify the order in which the data types are updated in the replica of the database. (See paragraph [0016] for example). However, Suginoshita, taken either singly or in combination with Singh, does not teach that the reference history information is used to determine whether to write the particular data to the replica of the data object or to mark the replica of the data object as stale. In other words, Suginoshita and Singh do not teach the recited limitation of, "wherein the selection of either writing the particular data to the replica of the data object or marking the replica of the data object as stale is made depending upon the history information," as recited in amended claim 1.

Applicant thus respectfully submits that amended claim 1 is patentably distinct over the cited art for at least the reasons set forth above. Inasmuch as the other independent claims 37 and 43 recite similar limitations as amended claim 1, Applicant respectfully submits that these claims are also patentably distinct over the cited art.

Since the independent claims have been shown to be patentably distinct, Applicant respectfully submits that the dependent claims are also patentably distinct for at least this reason. Applicant also respectfully submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 50-1505/5760-18800.

Respectfully submitted,

/ Jason L Burgess /  
Jason L. Burgess  
Reg. No. 50,380  
AGENT FOR APPLICANT(S)

MEYERTONS, HOOD, KIVLIN,  
KOWERT & GOETZEL, P.C.  
P. O. Box 398  
Austin, Texas 78767  
(512) 853-8800  
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